

52. (Original) The programmed medium as in claim 35 wherein the medium comprises a digital storage device.

**REMARKS**

**A. The Section 112 Rejections**

Claims 1, 20 and 35 were rejected under 35 U.S.C. §112, the Examiner now taking the position that these claims are 'single means' claims. Applicant respectfully disagrees and traverses these rejections for at least the following reasons.

Notwithstanding the fact that the Applicant believes that a "single means" claim type rejection is inapplicable to the instant claims, the Applicant respectfully points out that even if such a rejection is appropriate it has been improperly applied in this instance. Using the definition set forth by the Examiner in the Office Action, a "single means" is where "a means recitation does not appear in combination with another recited element or means." In contrast, claims 1, 20 and 35 contain multiple functional recitations/steps.

For example, claim 1 is directed at a controller that is adapted to carry out the functions of: (a) comparing personal information and administrative information related to an event a user is participating in; and (b) sending a personalized notification, using a user's preferred method of notification, to the user concerning the user's participation in the event. Because claim 1

combines multiple recitations it is not a single means claim. Claims 20 and 35 contain similar features and are, therefore, not single means claims.

Accordingly, Appellants respectfully request that the Examiner withdraw the rejections and allow claims 1, 20 and 35.

**B. The Section 103 Rejections**

Claims 1-5, 8-24, 27-39 and 42-52 were rejected under 35 U.S.C. §103(a) based on a combination of U.S. Patent No. 6,454,650 to Aronin ("Aronin") and U.S. Patent No. 6,144,942 to Ruckdashel ("Ruckdashel"). Applicant disagrees and traverses these rejections for at least the following reasons.

Each of the claims of the present invention includes sending a personalized notification, using a user's preferred method of notification, to a user concerning the user's participation in an event.

As the Examiner admits, Aronin does not disclose such notifications. To make up for this deficiency the Examiner now relies upon Ruckdashel.

Ruckdashel, however, does not disclose or suggest the sending of a notification using a user's preferred method of notification concerning an event the user *is participating in*. Ruckdashel is similar to the references that the Examiner has previously asserted and withdrawn in that it pertains to events a user may participate in.

For example, Ruckdashel states that a notification may be sent "to notify one of the users....of upcoming events on their schedules" (column 4, lines 14-15), or sent "as the specified appointment approaches" (column 5, line 34).

As the Applicant has stated before, the present claims are not directed to

an event a user is interested in or may participate in. Instead, the present claims are directed to events a user is “participating in” and related notifications.

Further, Applicant points out that the claims include a notification that is: (1) sent via a preferred method of notification; and (2) related to an event a user is participating in. While Ruckdashel may disclose the former, it does not disclose or suggest the latter.

Accordingly, Appellant respectfully submits that claims 1-5, 8-24, 27-39 and 42-52 would not have been obvious to one of ordinary skill in the art at the time the present application was filed based on the disclosures of Aronin and Ruckdashel at least because such a combination does not suggest a personalized and preferred notification method concerning an event a user is participating in.

Accordingly, Appellants respectfully request that the Examiner withdraw the rejections and allow claims 1-5, 8-24, 27-39 and 42-52.

### **CONCLUSION**

Appellants respectfully request that the Examiner withdraw the rejections and allow claims 1-5, 8-24, 27-39 and 42-52.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC.

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